

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN HUDDLESTON,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION No. 4:20CV447
v.	§	
	§	
FEDERAL BUREAU OF	§	
INVESTIGATION and UNITED	§	JUDGE AMOS MAZZANT
STATES DEPARTMENT OF JUSTICE,	§	
	§	
Defendants.	§	

DEFENDANTS' RESPONSE TO
PLAINTIFF'S SUR-REPLY IN OPPOSITION TO MOTION TO STAY

Defendants Federal Bureau of Investigation ("FBI") and United States Department of Justice ("DOJ") file this Response to Plaintiff's Sur-Reply in Opposition to Motion to Stay [Dkt. 13].

Defendants maintain that the three-month stay is a reasonable and necessary time frame, given the need for searching and processing of the three pending FOIA requests, as set forth in detail in the prior briefing and declarations submitted to the Court. Defendants also maintain that Plaintiff's allegations of fraud and misconduct are irrelevant and inappropriate in this lawsuit, and Plaintiff's comparisons of the discovery obligations of a private attorney to the obligations of the FBI in processing FOIA requests are absurd. However, to clarify their position, Defendants would like the opportunity to present a more definite schedule for continued processing and a rolling production, in response to Plaintiff's proposed schedule.

First, in response to Plaintiff's emphasis on any report(s) regarding Seth Rich's personal computer, the FBI acknowledges that they have located a 302 (interview form) stating that the laptop was given to the FBI, but thus far have located no report of it being analyzed by the FBI. The FBI proposes to process the 302 form as a priority item in the first release, along with other processing. Second, due to the effects of the COVID-19 pandemic on the FBI's workforce, the FBI proposes a processing schedule wherein they will review approximately 250 pages per month and release the responsive nonexempt portions thereof. The FBI proposes the first release of any such responsive, nonexempt portions to occur on or about April 1, 2021. The 250 page-per-month processing rate would last until there is an impactful change in RIDS staffing levels. Once RIDS staffing levels return to normal, the FBI anticipates processing approximately 500 pages per month on the same basis. Alternatively, if RIDS staffing levels are reduced further or RIDS must completely shut down, the ability to process would be further impacted, and the FBI would provide that status update promptly to the Court. Finally, the FBI proposes to provide the Court with an update on the page count at the same time as the first production, on or about April 1, 2021.

Defendants request that this Court grant its Motion to Stay Scheduling Order Deadlines [Dkt. 10] to allow Defendants adequate time to complete the processing of the three pending FOIA requests. Additionally, Defendants request that the Court adopt the proposed schedule of processing and rolling production set forth above.

Respectfully submitted,

STEPHEN J. COX
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2021, a true and correct copy of the foregoing document was filed electronically with the court and has been sent to counsel of record via the court's electronic filing system.

/s/ *Andrea L. Parker*
ANDREA L. PARKER
Assistant United States Attorney